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MAILED

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OFFICE OF PETITIONS

In re Application of :
Glew, et al. :
Application No.: 10/039,961 :
Filed: December 31, 2001 : ON PETITION
Attorney Docket No.: 42390.P13736 :
For: PROCESSOR SUPPORTING EXECUTION :
OF AN AUTHENTICATED CODE :
INSTRUCTION :

This is a decision on the petition under 37 CFR 1.137(b), filed June 9, 2009, to revive the above-identified application.

The petition is **granted**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 3, 2008. No extensions of time were obtained pursuant to 37 CFR 1.136(a). Therefore, this application became abandoned on September 4, 2008. A Notice of Abandonment was mailed on February 9, 2009.

The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).


The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and authorization to charge the required \$540.00 fee; (2) authorization to charge the required petition fee of \$1,620.00; and (3) an acceptable statement of unintentional delay.

The statement of unintentional delay was signed by a person who may not have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

Pursuant to petitioners' authorization, deposit account no. 50-0221 will be charged a \$540.00 Notice of Appeal fee and a \$1,620.00 Rule 137(b) fee.

After the mailing of this decision, the file will be forwarded to Technology Center AU 2437 to await receipt of the appeal brief.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Petitions Attorney
Office of Petitions